

REMARKS

Favorable reconsideration and withdrawal of the objection and rejections set forth in the above-mentioned Office Action in view of the foregoing amendments and the following remarks are respectfully requested.

Claim Status

Claims 1 through 6, 13, and 16 are now pending in the application, with Claims 1, 13, and 16 being independent. Claims 7 through 12, 14 and 15 have been previously cancelled. Claims 17 and 18 have been cancelled herein. Claims 1 through 6, 13, and 16 have been amended to even more succinctly define the invention and/or to improve their form. It is respectfully submitted that no new matter has been presented.

Drawings

The drawings have been amended as required by the Examiner. Specifically, Figure 13 has been designated by the legend "PRIOR ART." Submission of Replacement Drawing Sheet is being filed with this Amendment. It is respectfully submitted that no new matter has been presented.

§ 101 Claim Rejection

Claims 16 through 18 are rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter.

Without conceding the propriety of this rejection, Claims 17 and 18 have been cancelled, and Claim 16 has been amended to recite a program stored on a non-transitory computer-

readable storage medium. Accordingly, withdrawal of the § 101 rejection is respectfully requested.

§§ 102 and 103 Claim Rejections

Claims 1, 2, 6, 13, and 16 through 18 are rejected under 35 U.S.C. § 102(b) as being anticipated by Fukuhara et al. (U.S. Patent No. 6,381,275).

Claims 3 through 5 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Fukuhara in view of Mun et al. (U.S. Patent No. 5,912,565).

The rejections are respectfully traversed.

Amended Claim 1 relates to a motion image coding apparatus that comprises, among other things, a determination unit that determines a number of reference frames to be referred when frame data to be coded is coded, wherein, in a case that motion information detected by the detecting unit is larger than a predetermined value, the number of reference frames is less than the number of reference frames in a case that motion information is equal or to smaller than the predetermined value.

A benefit of the present invention as recited in Claim 1 is that the coding cost of coding frame data is greatly reduced.

Fukuhara et al. discloses an image coding apparatus which includes a frame memory selecting unit for selecting, in response to a selection signal, an image to be continuously stored in a plurality of frame memories as a background image and storing the background image into the plurality of frame memories.

The Office Action cites Mun et al. as teaching a power supply to the plurality of storage means on the basis of motion information detected by the detecting means.

Applicant respectfully submits that Fukuhara et al. and Mun et al., whether taken individually or in combination, fail to disclose or suggest at least the above-mentioned features of the present invention, as recited in Claim 1. Independent Claims 13 and 16 recite features similar to those recited in Claim 1, and are believed patentable for the same reason.

Dependent Claims

Claims 2 through 6 are either directly or indirectly dependent from independent Claim 1 and are allowable by virtue of their dependency and in their own right for further defining the invention. Individual consideration of the dependent claims is respectfully requested.

Conclusion

In view of the foregoing amendments and remarks, it is respectfully submitted that the pending claims are allowable over the art of record, and that the application is in condition for allowance.

Favorable reconsideration and early passage to issue of the application are earnestly solicited.

It is believed that no fee is required for this paper. However, the Commissioner is hereby authorized to charge any fee which may be deemed necessary in connection with this paper to Deposit Account No. 06-1205.

Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our address given below.

Respectfully submitted,

/James R. Carpenter/

James R. Carpenter
Attorney for Applicant
Registration No. 62,747

FITZPATRICK, CELLA, HARPER & SCINTO
1290 Avenue of the Americas
New York, NY 10104-3800
Facsimile: (212) 218-2200
JRC:mds